UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,310	08/31/1999	DANIEL YELLIN	162/01150	2435

27130	7590	03/11/2004

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EXAMINER
VO, DON NGUYEN

ART UNIT	PAPER NUMBER
2631	

DATE MAILED: 03/11/2004   20

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 December 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4,7,10-21,23-25,27-31 and 33-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4,7,10-21,23-25,27-31 and 33-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Acknowledgment

1.   This Office Action is responsive to the Amendment filed on 12/29/2003.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4, 7, 10-21, 23-25, and 27-51 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Banister et al (6,567,390; art of record) in view of Raith

(5,930,706) or Stengel et al (5,265,270).

Regarding claims 4, 23, 28, 30, 31, 33-36, 38, 39, 42-44, 46 and 49, Banister

discloses a method comprising receiving an encoded message, decoding the message

based on fewer symbols than the number in the encoded message, and moving the

terminal to sleep mode based on the decoded message. Banister further teaches

detecting the error. See generally column 7, lines 29-40 and column 9, lines 7-41.

However, Banister fails to teach correcting the detected error. However, Raith or

Stengel, from the same field of endeavor, teaches correcting the detected error based

on the error code or signal quality for correctly decoding the received signals. See

Raith; column 13, lines 28-51 and Stengel; column 4, lines 34-65. Note that correcting

the error implies changing or alter the values of the error to the expected values.

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Banister by incorporating the teaching of Raith or stengel so that the errors in the received signals can be corrected and thus providing the correctly decoded signals.

Regarding claim 7, Bannister further disclosed receiving the signals over a paging channel (see generally column 8, lines 16-19).

Regarding claim 10, Bannister discloses that the decoding is completed before receiving all the symbols in the frame (see generally column 9, lines 13-16).

Regarding claim 11, Bannister further discloses using a predetermined number of symbols for decoding by receiving data only for a specified amount of time (see generally column 8, line 66 - column 9, line 6).

Regarding claims 12, 14 and 15, Bannister further discloses that the decoding is performed by adaptively changing the number of received signals depending upon the success of the previous decoding (see generally column 9, lines 17-29).

Regarding claim 13, Bannister further discloses using a number of received signals responsive to the quality of the channel in which the message is received (see generally column 9, lines 1-6).

Regarding claim 16, Banister discloses using the least amount if symbols that would ensure a successful decoding of the encoding message (see generally column 9, lines 7 - 67).

Regarding claims 17-20, Banister further discloses using additional symbols than a previous decoding if the message does not pass the CRC (see generally column 9, lines 17-29).

Regarding claim 21 and 24, Bannister further discloses receiving messages, such as the Release message, during idle mode (see generally column 7, lines 32-40).

Regarding claim 23, Bannister discloses a method comprising receiving a data frame of an encoded messages, determining a number of received symbols to use in decoding the frame based on system parameters such as the quality of the transmission channel, and decoding the frame using the determined number of symbols (see generally column 8, line 66 - column 9, line 16).

Regarding claim 25, Bannister further discloses choosing the number of symbols to use in decoding based on the success of the previous decoding (see generally column 9, lines 17-29).

Regarding claim 27, Bannister further discloses determining fewer symbols than the total number in the frame (see generally column 9, lines 1-12).

Regarding claim 29, Banister further discloses padding the frame with zeros in order to have a complete frame (see generally column 9, lines 7-12).

Regarding claims 37 and 47, it is inherent that any error correction scheme has its own limited error correction capability. That is, there is a maximum of allowable errors that can be corrected or altered.

Regarding claims 40, 41, 50 and 51, Banister further discloses performing the decoding process again if   the first process was not successful due to the presence of

errors (see generally column 9, lines 17-29). If no errors were present during the second

decoding attempt, then it would be obvious to one of ordinary skill in the art that no error

correction/value alteration will be necessary.

Response to Arguments

4.   Applicant's arguments with respect to claims 4, 7, 10-21, 23-25, 27-31 and 33-51

have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. References Detlef et al (6,243,568) and Kivari (5,471,655) are

cited because they are pertinent to the paging system having error correction and power

saving capability.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DON N VO whose telephone number is (703) 305-4885.

The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, MOHAMMAD GHAYOUR can be reached on (703) 306-3034. The fax

phone number for the organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DON N VO
Primary Examiner
Art Unit 2631